

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE RICHARD M. OSBORNE
Debtor

CASE NO. 17-17361
CHAPTER 11
JUDGE ARTHUR I. HARRIS

**OBJECTION TO MOTION FOR ORDER UPON THE DEBTOR, RICHARD M. OSBORNE, TO APPEAR
FOR EXAMINATION PURSUANT TO RULE 2004(A) OF THE FEDERAL RULES OF BANKRUPTCY
PROCEDURE AND REQUEST FOR HEARING**

Richard M. Osborne, Debtor in Possession (“Debtor”) opposes the Motion for Order upon the Debtor, Richard M. Osborne, to Appear for Examination Pursuant to Rule 2004(A) of the Federal Rules of Bankruptcy Procedure [Doc. 168] filed by the Chicago Title Insurance Company (“CT”) and requests that the Court set a hearing on the same.

1. The CT Motion seeks to have the Debtor collect and turn over records regarding some 192 entities (most of which are not in bankruptcy) without properly notifying those entities of the request. The Motion seeks to conflate the Debtor and these companies without first overcoming their separate legal existence in a proper proceeding.
2. In particular the Motion seeks information on “Documentation regarding the value of the following entities and the assets held or owned by such entities: Junior Properties, Ltd., Orwell-Trumbull Pipeline Co., LLC, Chowder Gas Storage Facility, LLC, Lake Shore Gas Storage, Inc., Heisley Hopkins, Inc., Black Bear Realty, Ltd., and Hamilton Partners, Inc.”
3. Chowder Gas Storage Facility, LLC and Lake Shore Gas Storage, Inc. are debtors in their own Chapter 11 cases and if CT needs information on their assets, proper motion should be made in those cases and not in this case.
4. Junior Properties, Ltd., Orwell-Trumbull Pipeline Co., LLC, Heisley Hopkins, Inc., Black Bear Realty, Ltd., and Hamilton Partners, Inc., are all under the control of the receiver Zak Burkons in state court. As this Court knows the Debtor was already sanctioned for allegedly

interfering with those receiverships and has no desire to repeat that experience. Furthermore it is doubtful whether the Court has jurisdiction over those companies' records, and if CT needs information on their assets, proper motion should be made in those receivership cases and not in this case.

5. . Finally the Motion seeks to examine the Debtor on July 20, 2018 when undersigned counsel is away from the office.

Therefore, the Debtor respectfully requests that this Court hold a hearing on the Motion and deny those portions of the requested examination that seek information from entities not parties to this bankruptcy case without proper service, and directing CT to proceed in other bankruptcy cases or in state court as may be appropriate for those entities in their own bankruptcy case or receivership, and require that the exam take place on a date mutually acceptable to CT and the Debtor.

Respectfully submitted,
/s/ Frederic P. Schwieg, Esq.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Response was electronically transmitted on or about the date filed via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice list or was served by U.S. mail, postage prepaid, or certified mail on the persons below as indicated below.

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